

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

MICHELE BURKE CRADDOCK, Plaintiff, v. LECLAIRRYAN, A PROFESSIONAL CORPORATION, Defendant.	CIVIL ACTION NO. 3:16-cv-11
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**LECLAIRRYAN’S OPPOSITION TO PLAINTIFF’S
MOTION TO CONFIRM ARBITRATION AWARD**

Defendant LeClairRyan, a Professional Corporation (“LeClairRyan”) respectfully submits this Opposition to the Motion to Confirm Arbitration Award previously filed by Plaintiff Michele Burke Craddock (“Craddock”):

**THE ARBITRATION AWARD CANNOT BE CONFIRMED BECAUSE, BY
CRADDOCK’S OWN ADMISSION, IT CONTAINS ERRORS.¹**

The Federal Arbitration Act (“FAA”) provides that, when a party has properly applied to the court to confirm an arbitration award, “the court must grant such an order unless the award is vacated, modified, or corrected” 9 U.S.C. § 9 (emphasis added). Here, Craddock filed her motion seeking confirmation of an arbitration award on October 1, 2018 [ECF Docket No. 21], but, then, two days later, filed a Notice with this Court advising that the arbitration award

¹ LeClairRyan submits this Opposition only to address the issue of this Court’s consideration of confirmation of the arbitration award submitted by Craddock in light of the errors and miscalculations contained in the award. LeClairRyan reserves the right, under the Federal Arbitration Award, to seek further modification or vacation of the award through a subsequently filed motion.

contained errors in its calculations and that she had asked the arbitration panel to correct the errors. [ECF Docket No. 23.] By Craddock's own admission, this Court cannot confirm the arbitration award submitted for confirmation as it contains errors that Craddock herself acknowledges need to be corrected.

In addition, on Wednesday, October 10, 2018, the arbitration panel advised counsel for the parties that it would be issuing a revised final award in the near future, based on the arbitral panel's resolution of Craddock's motion to the panel to correct the award. Accordingly, the award before this Court is not a "final award," and LeClairRyan reserves its right to respond or otherwise move or petition this Court when the final award is available and filed by Craddock, presumably with a new motion or petition.

Therefore, for the foregoing reasons, Craddock's pending motion to confirm the arbitration award must be denied in accordance with the provisions of the FAA.

Respectfully submitted,

**LECLAIRRYAN, A PROFESSIONAL
CORPORATION**

By: /s/ Randy C. Sparks, Jr.

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CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of October, 2018, a true copy of the foregoing MEMORANDUM IN OPPOSITION TO PLAINTIFF'S MOTION TO CONFIRM ARBITRATION AWARD was electronically filed with the Clerk of Court, which will send a notification of such filing (NEF) to the following:

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